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ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/605,821	BURT, TERENCE M.
Office Action Summary	Examiner	Art Unit
	Mahesh H. Dwivedi	2168

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 October 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 October 2003</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **"25"**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The limitation **"a search engine spider locates a referring server or said host server"** of claim 18 is not adequately described in the specification.

The limitation "said Web browser activates a search engine server that locates

either a referring server or said hosts server" of claim 19 is not adequately described in

the specification.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
>
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 12 recites the limitation "retrieving an identifier" in line 26. There is

insufficient antecedent basis for this limitation in the claim. The examiner notes that it is

unclear as to what type of **"identifier"** the claim is referencing. The examiner further

notes that it is unclear as to weather the **"identifier"** the applicant is referring to is an

"identifying file" or another type of identifier.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
>
> use or on sale in this country, more than one year prior to the date of application for patent in the United
>
> States.

6.   Claims 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by

Burema et al. ("Burema" (U.S. PGPUB 2002/0029290)).

7.   Regarding claim 22, **Burema** teaches a method comprising:

A) requesting a URL from at least one of a referring server or host server with a Web

browser (Paragraphs 28, 31, and 45);

B) checking identifiers of at least one of said requested URL, said referring server, and

said requesting Web browser (Paragraphs 29-30, 37-44);

C) sending an identifier file and redirecting said requesting Web browser to a specified

key page in response to said requested URL identifier (Paragraphs 50-51);

D) determining the affiliation of said referring server or said requesting Web browser in

response to said identifiers (Paragraphs 33-37, 71);

E) linking said referring server or said requesting browser to a host server comprising a

plurality of Web pages (Paragraph 50);

F) serving at least one of said plurality of Web pages in response to a non-affiliated

server or non-affiliated browser (Paragraph 71); and

. G) performing affiliated processing in response to at least one of an affiliated server or

an affiliated browser (Paragraphs 33-37, 45).

The examiner notes that "a user selects, i.e., clicks on, the partner site code

represented as a banner or a text link, the banner is served to the server.

Simultaneously, the user is redirected to the tracking system server" (Paragraph 45) is

analogous to **"requesting a URL from at least one of a referring server or host**

server with a Web browser". The examiner further notes that " User IP address"

(Paragraph 40) is analogous to an identifier of an **"requesting Web browser"**. The

examiner further notes that "the user enters the merchant's site that he or she has been

redirected to, the tracking system software (specifically, the cookie creation and

verification piece 146, which resides in the merchant server 115) creates a tracking

system cookie and sends the cookie and transaction information 160 to server 120 and

client 105" (Paragraph 51) is analogous to **"sending an identifier file and redirecting**

said requesting Web browser to a specified key page in response to said

requested URL identifier". The examiner further notes that "the transaction

information is sent to the tracking system for matching, a process which determines

whether a user was referred to a merchant via a particular affiliate" (Paragraph 71) is

analogous to **"determining the affiliation of said referring server or said requesting**

Web browser in response to said identifiers". The examiner further notes that "the

script then redirects the user to the merchant server 324" (Paragraph 50) is analogous

to **"linking said referring server or said requesting browser to a host server**

comprising a plurality of Web pages". The examiner notes that "if a user does not

have any cookies" (Paragraph 71), and "the transaction information is sent to the

tracking system for matching, a process which determines whether a user was referred

to a merchant via a particular affiliate" (Paragraph 71) is analogous to **"serving at least**

one of said plurality of Web pages in response to a non-affiliated server or non-

affiliated browser". The examiner further notes that it is common knowledge that the

merchant site will still serve content and web pages to clients deemed not to have been

sent via an affiliate. The examiner notes that "the script checks the validity of the input variables" (Paragraph 45) is analogous to **"performing affiliated processing in response to at least one of an affiliated server or an affiliated browser"**.

Regarding claim 23, **Burema** further teaches a method comprising:

A) wherein checking said referring identifier further comprises checking a domain name or an Internet Protocol address (Paragraphs 31 and 40).

The examiner notes that "User IP address" (Paragraph 40) is analogous to **"wherein checking said referring identifier further comprises checking a domain name or an Internet Protocol address"**.

Regarding claim 24, **Burema** further teaches a method comprising:

A) specifying said affiliated server or said affiliated browser for affiliated processing and output, wherein said affiliated processing generates a custom output for a host server to provide to a client browser (Paragraphs 33, 45, and 51).

The examiner notes that "as the user enter the merchant's site" (Paragraph 51) is analogous to sending to a browser **"custom output"**.

Regarding claim 25, **Burema** further teaches a method comprising:

A) retrieving said requested URL identifier through said processing script from a host server input variable, as defined in an HTTP specification (Paragraphs 37-44);

B) retrieving said referring server identifier through said processing script from a host

server environment variable, as defined in an HTTP specification (Paragraphs 37-44);

and

C) retrieving said requesting Web browser identifier through said processing script from

a browser identifier file, as defined in an HTTP specification (Paragraphs 50-51, and

71).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
>
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
>
> the prior art are such that the subject matter as a whole would have been obvious at the time the
>
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
>
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-8, 10, 12-17, and 20-21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Burema et al.** (U.S. PGPUB 2002/0029290) as applied to claims 22-

25 and in view of **Baudu et al.** (U.S. PGPUB 2002/0052948).

10.   Regarding claim 1, **Burema** teaches a method comprising:

A) defining a set of encoded URLs as affiliated URLs (Paragraphs 45-50);

B) defining a set of identifier files to correspond to said affiliated URLs (Paragraphs 29-30, 51);

C) defining said set of identifier files to identify client browsers requesting said affiliated URLs as affiliated clients (Paragraphs 29-30, 51);

D) defining said processing script to process requests for said key URLs, said encoded URLs, and said affiliated clients (Paragraphs 33, and 37-44); and

E) checking an identifier file for a pre-defined affiliated status (Paragraphs 33, and 37-44).

The examiner notes that "the script checks the validity of the input variables" (Paragraph 45) and "redirection URL" (Paragraph 50) are analogous to **"defining a set of encoded URLs as affiliated URLs"**. The examiner further notes that "the tracking system software (specifically, the cookie creation and verification piece 146, which resides in merchant server 115) creates a tracking system cookie and sends the cookie and transaction information 160 to server 120 and client 105" (Paragraph 51) is analogous to **"defining a set of identifier files to correspond to said affiliated URLs"** and **"defining said set of identifier files to identify client browsers requesting said affiliated URLs as affiliated clients"**. The examiner further notes that "the tracking system server includes a script that accesses the database and displays the image corresponding to the partner site identification, and the partner site banner location profile identification" (Paragraph 33) is analogous to **"defining said processing script to process requests for said key URLs, said encoded URLs, and said affiliated clients"**. The examiner further notes that "the banner display

program, after checking the validity of the two input variables" (Paragraph 37) is

analogous to "**checking an identifier file for a pre-defined affiliated status**".

    Burema does not explicitly teach:

F) defining a set of key uniform resource locators (URLs) to be rewritten by a

host server as a processing script;

G) defining said set of key URLs to correspond to a set of key page documents as a

function of said processing script;

H) defining a set of referring servers as affiliated servers.

    Baudu, however, teaches **"defining a set of key uniform resource locators**

(URLs) to be rewritten by a host server as a processing script" as "reference

rewriting module 1130" (Paragraph 38), and "A URL extraction module 5500 parses the

response 5400 to identify URLs that should be rewritten" (Paragraph 65), **"defining**

said set of key URLs to correspond to a set of key page documents as a function

of said processing script" as "links in the component resources (with a few

exceptions described below) are rewritten to point to a server system hosting the

platform" (Paragraph 59), and **"defining a set of referring servers as affiliated**

servers" as "That is, when a Merchant has agreed to an Affiliates' acceptance of an

offer the link to a composite site" (Paragraph 58).

    The examiner notes that it is common knowledge that when there is an

agreement between and affiliate and a merchant site, the merchant site **"defining a set**

of referring servers as affiliated servers".

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of the cited references because teaching

Baudu's would have allowed **Burema's** to prevent merchants and affiliates from having

to modify their sites, and allow for convenient deploying, scalability, and comprehensive

real-time information gathering for affiliate agreements, as noted by **Baudu** (Paragraphs

9-10).

Regarding claim 2, **Burema** further teaches a method comprising:

A) checking an identifier of an encoded URL for pre-defined affiliated URL status

(Paragraphs 33, and 37-44);

B) checking an identifier of a referring server for pre-defined affiliated server status

(Paragraphs 33, and 37-44); or

C) checking an identifier file of a requesting client browser for affiliated client status

(Paragraphs 50-51, and 71).

The examiner notes that "Content provider site id (sid)" (Paragraph 38) is

analogous to **"checking an identifier of an encoded URL for pre-defined affiliated**

URL status".

Regarding claim 3, **Burema** further teaches a method comprising:

A) reading one of said set of key page documents in response to a non-affiliated

server or, if affiliated server status cannot be determined, in response to a non-

affiliated client (Paragraph 71).

The examiner notes that "if a user does not have any cookies" (Paragraph 71),

and "the transaction information is sent to the tracking system for matching, a process

which determines whether a user was referred to a merchant via a particular affiliate"

(Paragraph 71) is analogous to **"reading one of said set of key page documents in

response to a non-affiliated server or, if affiliated server status cannot be

determined, in response to a non-affiliated client"**. The examiner further notes that

it is common knowledge that the merchant site will still serve content and web pages to

clients deemed not to have been sent via an affiliate.

Regarding claim 4, **Burema** further teaches a method comprising:

A) processing said requested key page document and writing the output to a client

browser (Paragraphs 50-51).

The examiner notes that that "as the user enter the merchant's site" (Paragraph

51) is analogous **to "processing said requested key page document and writing

the output to a client browser"**.

Regarding claim 5, **Burema** further teaches a method comprising:

A) sending an identifier file to a requesting client browser (currently "setting a cookie")

in response to said affiliated URLs to identify said requesting client as an affiliated client

(Paragraphs 29-30, 51).

The examiner notes that "the tracking system software (specifically, the cookie

creation and verification piece 146, which resides in merchant server 115) creates a

tracking system cookie and sends the cookie and transaction information 160 to server

120 and client 105" (Paragraph 51) is analogous to **"sending an identifier file to a**

requesting client browser (currently "setting a cookie") in response to said

affiliated URLs to identify said requesting client as an affiliated client".

Regarding claim 6, **Burema** further teaches a method comprising:

A) redirecting said affiliated clients to increase link traffic for said specified key page

document (Paragraphs 50-51).

The examiner notes that "The script then redirects the user to the merchant

server (324)" (Paragraph 50) is analogous to **"redirecting said affiliated clients to**

increase link traffic for said specified key page document".

Regarding claim 7, **Burema** further teaches a method comprising:

A) performing affiliated processing in response to said affiliated server or said affiliated

client as a function of said processing script (Paragraphs 33-37, 45).

The examiner notes that "the script checks the validity of the input variables"

(Paragraph 45) is analogous to **"performing affiliated processing in response to**

said affiliated server or said affiliated client as a function of said processing

script".

Regarding claim 8, **Burema** further teaches a method comprising:

A) specifying affiliated output for said affiliated server or said affiliated client, wherein

said processing script generates a custom output for a host server to provide to a client

browser (Paragraphs 33, 45, and 51).

The examiner notes that "as the user enter the merchant's site" (Paragraph 51) is

analogous to sending to a browser **"custom output"**.

Regarding claim 10, **Burema** further teaches a method comprising:

A) processing client Web browser requests using at least one of server input variables,

server environment variables, or browser identifier files (Paragraphs 37-44); and

B) generating output to a client using at least one of data files, configuration files, or

custom program files (Paragraphs 33, 45, and 51).

The examiner notes that "User IP address" (Paragraph 41) is analogous to

"browser identifier files". The examiner further notes that "as the user enter the

merchant's site" (Paragraph 51) is analogous to **"generating output to a client using**

at least one of data files, configuration files, or custom program files".

Regarding claim 12, **Burema** further teaches a method comprising:

A) retrieving an identifier through said processing script from a server input variable

(Paragraphs 33, and 37-44);

B) specifying sending an identifier file to the Web browser or checking for a referring

server URL as a function of said identifier (Paragraphs 50-51, and 71);

C) retrieving a referring server URL through said processing script from a server environment variable defined in an HTTP specification (Paragraphs 31 and 37);

D) specifying, through said referring server URL, at least one of a processing function to perform or a Web page to process (Paragraphs 31, 45, and 51);

E) requesting an identifier file from said Web browser as a function of a lack of said referring server URL (Paragraph 71);

F) retrieving said identifier file from said Web browser, and using said identifier file to specify processing to perform (Paragraph 71); and

G) serving said Web page in response to a lack of said identifier file (Paragraph 71).

Regarding claim 13, **Burema** teaches a system comprising:

A) said processing script processing a Web browser request by checking a host server input variable, a referring server identifier, and a browser identifier file, thereby determining whether said referring server comprises an affiliated server or a non-affiliated server or whether said browser comprises an affiliated browser or a non-affiliated browser; (Paragraphs 33, 37-45, and 51);

B) said processing script performing affiliated processing in response to said affiliated server or affiliated browser (Paragraphs 33-37, 45);

C) said processing script processing said URL in response to said non-affiliated server or non-affiliated browser (Paragraph 71); and

D) said host server serving said output to said requesting browser (Paragraphs 33, 45, and 51).

The examiner notes that "content provider site id (sid)" (Paragraph 38), "User IP

address" (Paragraph 40" and "the script checks the validity of the input variables"

(Paragraph 45), is analogous to **"said processing script processing a Web browser**

request by checking a host server input variable, a referring server identifier, and

a browser identifier file, thereby determining whether said referring server

comprises an affiliated server or a non-affiliated server or whether said browser

comprises an affiliated browser or a non-affiliated browser". The examiner further

notes that "if a user does not have any cookies" (Paragraph 71), and "the transaction

information is sent to the tracking system for matching, a process which determines

whether a user was referred to a merchant via a particular affiliate" (Paragraph 71) is

analogous to **"said processing script processing said URL in response to said**

non-affiliated server or non-affiliated browser". The examiner further notes that it is

common knowledge that the merchant site will still serve content and web pages to

clients deemed not to have been sent via an affiliate.The examiner further notes that "as

the user enter the merchant's site" (Paragraph 51) is analogous to **"said host server**

serving said output to said requesting browser".

Burema does not explicitly teach:

E) a host server rewriting each of a set of URLs as a processing script.

Baudu, however, teaches **"a host server rewriting each of a set of URLs as a**

processing script" as "reference rewriting module 1130" (Paragraph 38), and "A URL

extraction module 5500 parses the response 5400 to identify URLs that should be

rewritten" (Paragraph 65) and "links in the component resources (with a few exceptions

described below) are rewritten to point to a server system hosting the platform"
(Paragraph 59).

The examiner notes that it is common knowledge that when there is an
agreement between and affiliate and a merchant site, the merchant site **"defining a set
of referring servers as affiliated servers"**.

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to combine the teachings of the cited references because teaching
Baudu's would have allowed **Burema's** to prevent merchants and affiliates from having
to modify their sites, and allow for convenient deploying, scalability, and comprehensive
real-time information gathering for affiliate agreements, as noted by **Baudu** (Paragraphs
9-10).

Regarding claim 14, **Burema** further teaches a system comprising:

A) a client browser requesting a Web page, which activates said referring server
(Paragraph 45); and

B) an affiliated client browser requesting a Web page, which activates said host server
(Paragraph 45).

The examiner notes that "a user selects, i.e., clicks on, the partner site code
represented as a banner or a text link, the banner is served to the server.
Simultaneously, the user is redirected to the tracking system server" (Paragraph 45) is
analogous to **"a client browser requesting a Web page, which activates said
referring server"**.

Regarding claim 15, **Burema** further teaches a system comprising:

A) wherein said referring server comprises said affiliated server referring a request from said client browser to said host server (Paragraph 45, Figure 1).

The examiner notes that reference 110 (Figure 1) represents an **"affiliate server"**.

Regarding claim 16, **Burema** further teaches a system comprising:

A) wherein said referring server comprises said non-affiliated server referring a request from said client browser to said host server (Paragraph 71).

The examiner notes that "if a user does not have any cookies" (Paragraph 71), and "the transaction information is sent to the tracking system for matching, a process which determines whether a user was referred to a merchant via a particular affiliate" (Paragraph 71) is analogous to **"wherein said referring server comprises said non-affiliated server referring a request from said client browser to said host server"**. The examiner further notes that it is common knowledge that the merchant site will still serve content and web pages to clients deemed not to have been sent via an affiliate sevrer.

Regarding claim 17, **Burema** further teaches a system comprising:

A) wherein affiliated output is specified within said host server for said affiliated server or said affiliated client (Paragraphs 33 , 45, and 51) and

B) wherein output specified by said requested URL is generated for said non-affiliated

server or non-affiliated client (Paragraph 71); and

C) wherein said host server serves said output to a client browser as a function of said

identifiers (Paragraphs 33 , 45, and 51).

Regarding claim 20, **Burema** further teaches a system comprising:

A) wherein said host server and said Web browser operate on a network using HTTP,

POP3, or NNTP (Paragraph 32).

The examiner notes that "a network that supports HTTP transmission protocol"

(Paragraph 32) is analogous to **"wherein said host server and said Web browser**

operate on a network using HTTP, POP3, or NNTP".

Regarding claim 21, **Burema** further teaches a system comprising:

A) wherein said host server processes client Web browser requests using at least one

of server input variables, server environment variables, and browser identifier files

(Paragraphs 37-44);

B) said host server generates output to said client using at least one of data files,

configuration files, and custom program files (Paragraphs 33, 45, and 51).

The examiner notes that "User IP address" (Paragraph 41) is analogous to

"browser identifier files". The examiner further notes that "as the user enter the

merchant's site" (Paragraph 51) is analogous to **"generates output to a client using**

at least one of data files, configuration files, or custom program files".

11.   Claims 9, 11, and 18-19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Burema et al.** (U.S. PGPUB 2002/0029290) as applied to claims 22-

25 and in view of **Baudu et al.** (U.S. PGPUB 2002/0052948) as applied to claims 1-8,

10, 12-17, and 20-21, and further in view of Simons (U.S. PGPUB 2003/0014331).

12.   Regarding claim 9, **Burema** and **Baudu** do not explicitly teach a method

comprising:

A) recording said requested key page document as a uniform resource locator in a

search engine.

       Simons, however, teaches **"recording said requested key page document as**

a uniform resource locator in a search engine" as "The consumer computer 12

displays the search results 44 received from the search engine server 16. In this

example, the hyperlinks associated with four merchants, P, Q, R, and S are displayed"

(Paragraph 40) and "the consumer first licks the hyperlink associated with merchant P

on the search results page" (Paragraph 42).

       It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of the cited references because teaching

Baudu's and **Simons's** would have allowed **Burema's** to provide a method to

maximize incentives for merchants and affiliates thorough maximizing commissions

through the use of popular search engines for affiliating marketing, as noted by **Simons**

(Paragraph 4).

Regarding claim 11, **Burema** and **Baudu** do not explicitly teach a method comprising:

A) generating an increased importance value of key uniform resource locators for search engines that determine said importance as a function of links and referrals thereto from said referring server or other Web servers.

Simons, however, teaches **"generating an increased importance value of key uniform resource locators for search engines that determine said importance as a function of links and referrals thereto from said referring server or other Web servers"** as "The search facility ranks the merchants for display in search results based upon the commissions paid and possibly other factors" (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baudu's** and **Simons's** would have allowed **Burema's** to provide a method to maximize incentives for merchants and affiliates thorough maximizing commissions through the use of popular search engines for affiliating marketing, as noted by **Simons** (Paragraph 4).

Regarding claim 18, **Burema** and **Baudu** do not explicitly teach a system comprising:

A) wherein a search engine spider locates a referring server or said host server.

Simons, however, teaches **"wherein a search engine spider locates a referring server or said host server"** as "system server 102 retrieves new information for purchases, merchants, referring affiliate sites, and other activity" (Paragraph 117).

The examiner notes that it is common knowledge that a spider seeks and obtains new content constantly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching **Baudu's** and **Simons's** would have allowed **Burema's** to provide a method to maximize incentives for merchants and affiliates thorough maximizing commissions through the use of popular search engines for affiliating marketing, as noted by **Simons** (Paragraph 4).

Regarding claim 11, **Burema** and **Baudu** do not explicitly teach a system comprising:

A) wherein said Web browser activates a search engine server that locates either a referring server or said host server.

Simons, however, teaches **"wherein said Web browser activates a search engine server that locates either a referring server or said host server"** as "The consumer computer 12 displays the search results 44 received from the search engine server 16. In this example, the hyperlinks associated with four merchants, P, Q, R, and S are displayed" (Paragraph 40) and "the consumer first licks the hyperlink associated with merchant P on the search results page" (Paragraph 42).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of the cited references because teaching

Baudu's and **Simons's** would have allowed **Burema's** to provide a method to

maximize incentives for merchants and affiliates thorough maximizing commissions

through the use of popular search engines for affiliating marketing, as noted by **Simons**

(Paragraph 4).

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

U.S. PGPUB 20010034644 issued to **Anavi et al.** on 25 October 2001. The

subject matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to

track affiliate links).

U.S. Patent 6,629,135 issued to **Ross et al.** on 30 September 2003. The subject

matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to track

affiliate links).

U.S. PGPUB 2003/0236701 issued to **Rowney et al.** on 25 December 2003.

The subject matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to

track affiliate links).

U.S. PGPUB 2003/0023687 issued to **Wolf** on 30 January 2003. The subject

matter disclosed therein is pertinent to that of claims 1-25 (e.g., methods to track

affiliate links).

Contact Information

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mahesh Dwivedi whose telephone number is (571) 272-

2731. The examiner can normally be reached on Monday to Friday 8:20 am – 4:40 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim Vo can be reached (571) 272-3642. The fax number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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Mahesh Dwivedi

Patent Examiner

Art Unit 2168

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April 24, 2006

Art Unit: 2168

Leslie Wong

Primary Examiner